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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,291	06/27/2003	Steven Clay Moore	AMG.4017.PAT	8734
38518	7590	08/24/2005	EXAMINER	
SCHUBERT OSTERRIEDER & NICKELSON PLLC 6013 CANNON MTN DR, S14 AUSTIN, TX 78749			STONE, JENNIFER A	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,291

Applicant(s)

MOORE, STEVEN CLAY

Examiner

Jennifer A. Stone

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "**the list may not be incorporated into the specification but must be submitted in a separate paper.**" Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 112

2. Claim 1 recites the following limitations: "the turn signal" in lines 1 and 2; "the vehicle" in lines 1-3; "the frequency" in line 2. There is insufficient antecedent basis for these limitations in claim 1. In addition, claims 2-5 are also rejected regarding insufficient antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Middlebrooke et al. (US 4,638,295).

For claim 1, Middlebrooke discloses a system that senses when the turn signal is active and the vehicle is turning and indicates that the vehicle is turning by varying the frequency and/or intensity with which the turn signal blinks, signaling to other motorists that the vehicle is turning (col 1, lns 8-14).

For claim 2, Middlebrooke discloses using a microcontroller, or microcontrollers, to take the switching and sensory inputs and output the pulsing sequence to a circuit that drives the turn signal lamps when the vehicle is turning (col 4, lns 59-67; col 5, lns 1-9; Fig. 2A, items 108, 68; 110).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Middlebrooke et al. (US 4,638,295), as applied to claim 1, and further in view of Goertler et al. (US 4,348,655).

Middlebrooke discloses a flasher relay (Fig. 2A, items 92, 94) as a pulse generator, but does not disclose a pulse generator dependent on analog voltage levels. However, Goertler discloses pulse generators where the duty cycle and amplitude of the output signal is dependent upon analog voltage levels, to output the pulsing sequence

to a circuit that drives the turn signal lamps when the vehicle is turning (col 4, lns 52-68; Fig. 1, items 40-48). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to use a pulse generator dependent on analog voltage levels so that the generator is developed as a voltage controlled oscillator in order to produce an output from a specific signal.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Middlebrooke et al. (US 4,638,295), as applied to claim 1, and further in view of Dantoni (US 5,673,019).

For claim 4, Middlebrooke discloses a shaft position sensor to determine the degree and extent of the turn, but the sensor does not determine the amount to alter the frequency or intensity of the turn signal (col 5, lns 17-26). Dantoni, on the other hand, does disclose a shaft position sensor to determine the amount to alter the intensity of the turn signal (col 1, lns 7-9 and 52-56; col 3, lns 60-67; col 4, lns 1-5; Fig. 1A, items 260, 262, 213, 214, 221, 222, 224, 225). It would have been obvious to indicate an amount to alter the intensity of a turn so that drivers and pedestrians anticipate the movements of a vehicle in order to enhance safety on the road.

For claim 5, Middlebrooke does not disclose adjusting turn signal frequency or intensity proportionally to the position of a shaft or the amount of time the vehicle has been turning. However, Dantoni discloses adjusting turn signal intensity proportionally to the position of a shaft (col 3, lns 33-40 and 60-67; col 4, lns 1-5; Fig. 1A, items 260,262; 213, 214, 221, 222, 224, 225). It would have been obvious to adjust turn

signal intensity proportionally to the position of a shaft so that drivers and pedestrians anticipate the movements of a vehicle in order to enhance safety on the road.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


Carlson (US 4,384,269) discloses an acceleration/deceleration system where warning lamps flash at a rate proportional to vehicle deceleration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Stone whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass, can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Stone
August 17, 2005


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600